

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LARRY A. THORINGTON,

Plaintiff,

Case No. 18-10762

Honorable Thomas L. Ludington

vs.

STEVE TOWNSEND, MICHAEL SHEA,

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION FOR RECONSIDERATION

On April 12, 2019, Plaintiff filed a motion in limine to exclude irrelevant medical evidence, including evidence of Plaintiff's alcoholism, to substantiate that he must have been intoxicated on the date of his arrest. ECF No. 35. In response, Defendant argued that Plaintiff's intoxication is relevant to show his state of mind and the potential threat he posed to officers and to evaluate the reasonableness of their response. The Court rejected Defendant's argument for the reasons explained in that order and in the order denying summary judgment.

Defendant now seeks reconsideration, arguing that Plaintiff's intoxication on the date of the arrest is relevant for the jury to evaluate the accuracy of Plaintiff's recollection of events. Defendant will be permitted to introduce Plaintiff's undisputed testimony that he was drinking on the day in question, for the purpose of challenging the accuracy of his perception and recollection of the events. The Court did not intend to exclude that testimony.

Accordingly, it is **ORDERED** that the motion for reconsideration/clarification, ECF No. 53, is **GRANTED**.

Dated: May 15, 2019

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge